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Filed September 30, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

THOMAS L. CANTOR  
Junior Party  
(U.S. Patent Application 10/641,780),

v.

RICHARD J. ZAHRADNIK AND JEFFREY R. LAVIGNE  
Senior Party  
(U.S. Patent 6,838,264).

Patent Interference No. 105,575 (MPT)  
(Technology Center 1600)

JUDGMENT - Bd. R. 127

Before: FRED E. McKELVEY, *Senior Administrative Patent Judge* and SALLY GARDNER LANE and MICHAEL P. TIERNEY, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

The Board has entered a Decision on Motions in this interference. (Paper 91). The Decision granted Zahradnik Substantive Motion 3 for judgment against Cantor claims 49-51, 53, 54 and 60-68 based on lack of written description. The Decision granted Zahradnik Substantive Motion 2 for no interference-in-fact as to Cantor's sole remaining claim, claim 59.

It is:

ORDERED that judgment be entered against Cantor claims 49-51, 53, 54 and 60-68.

FURTHER ORDERED that Cantor '780 involved claims 49-51, 53, 54 and 60-68 be FINALLY REFUSED, 35 U.S.C. § 135(a).

FURTHER ORDERED that there is no interference-in-fact between Cantor claim 59 and Zahradnik's involved claims.

FURTHER ORDERED that a copy of this Judgment and the Decision on Motions be entered into the administrative records of the involved Cantor U.S. Patent Application 10/641,780 and Zahradnik U.S. Patent 6,838,264.<sup>1</sup>

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<sup>1</sup> NOTICE: "Any agreement or understanding between parties to an interference, including any collateral agreements referred to therein, made in connection with or in contemplation of the termination of the interference, shall be in writing and a true copy thereof filed in the Patent and Trademark Office before the termination of the interference as between the said parties to the agreement or understanding." 35 U.S.C. 135(c); see also Bd.R. 205 (settlement agreements).

cc (via electronic filing):

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